FILED
AUG 28 1981
ALEXANDER L. STEVAS,
CLERK

No. 80-1735

In the Supreme Court of the United States

OCTOBER TERM, 1980

FEDERAL BUREAU OF INVESTIGATION AND THE
UNITED STATES DEPARTMENT OF JUSTICE,
Petitioners

v.

HOWARD S. ABRAMSON

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOINT APPENDIX

PETITION FOR WRIT OF CERTIORARI: FILED APRIL 16, 1981
WRIT OF CERTIORARI: GRANTED JUNE 15, 1981

INDEX

		Page
1.	U.S. District Court Docket Entries	1
2.	FOIA Request from Howard Abramson to Clarence M. Kelley (June 23, 1976)	7
3.	Excerpts from First Donahoe Affidavit (May 2, 1978)	9
4.	Excerpts from Second Donahoe Affidavit (Sept. 6, 1979)	13
5.	Exhibit N to Second Donahoe Affidavit:	
	(a) October 6, 1969 cover letter from J. Edgar Hoover to John Ehrlichman	29
	(b) FBI summary on Joseph Duffey	31
	(c) FBI summary on John Kenneth Galbraith indicating, *inter alia*, that previous "name check" summaries are attached	32
6.	New York Times Vietnam Moratorium advertisement (Sept. 28, 1969 p. E9)	33
7.	Second Affidavit of Howard Abramson (Sept. 25, 1979)	37
8.	Order Granting Writ of Certiorari (June 15, 1981)	42

U.S. DISTRICT COURT

Civil Action No. 77-2206

ABRAMSON

v.

FEDERAL BUREAU OF INVESTIGATION, ET AL.

DOCKET ENTRIES

DATE	PROCEEDINGS
1977	
Dec 29	COMPLAINT, exhibits 1 thru 8, appearance.
Dec. 29	SUMMONS (4) and copies (4) of complaint issued. U.S. Atty. ser 1-3-78; All defts. ser 1-4-78.
1978	
Jan 31	ANSWER of defts. to the complaint; c/m 1-31-78. Appearance of Nicki L. Koutsis.
Jan 31	CALENDARED.
Mar 01	STATUS CALL: Deft. is re-examining the documents in question; further status call set 3-22-78 at 9:30 A.M. (Rep: T. Dourian) RICHEY, J.
Mar 01	APPEARANCE of Ricardo Urbina & Theodore Miles as attorneys for the pltfs.
Mar 07	ORDER filed 3-6-78 dismissing defts. Clarence M. Kelley and Griffin B. Bell as parties to this action; adding the Department of Justice as party-deft. to this action. (N) RICHEY, J.
Mar 29	STATUS CALL: Deft. to complete review of documents within 15-days; deft. to file affidavit within 20-days and file motion for summary judgment in 5-days thereafter; motion for summary judgment within 5-days. (Rep. T. Dourian) RICHEY, J.

DATE	PROCEEDINGS

1978

Apr 18 NOTICE by pltf. to take deposition of employees and agents of Deft., Federal Bureau of Investigation.

Apr 18 RESPONSE of defts. to motion of pltf. for enlargement of time.

Apr 18 MOTION of defts. for enlargement of time.

Apr 21 ORDER filed 4-19-78 extending time to & including May 2, 1978 for defts. to file a motion for summary judgment and affidavit. (N) RICHEY, J.

Apr 21 MOTION by defts. for a protective order; P&A.

May 02 MOTION by defts. to dismiss or, in the alternative, for summary judgment; affidavit of Willie E. Stewart; affidavit of Jerry R. Donahue; exhibits A thru M; statement of material facts; memorandum; attachment.

May 5 RESPONSE by pltff. to defts. motion for a protective order; memorandum; attachment 1.

May 16 MOTION of pltf. for enlargement of time to file opposition to motion of deft. for summary judgment or to dismiss; P&A's.

May 31 ORDER filed 5-26-78 granting motion of defts. for a protective order in part; denying motion of defts. for a protective order in part; permitting pltf. to propound interrogatories to be served upon the defts. within 20-days; granting motion of pltfs. for an enlargement of time; allowing pltf. 15-days after defts. answer interrogatories to respond to motion of defts. for summary judgment. (N) RICHEY, J.

June 14 APPEARANCE of Daniel J. Metcalfe and WITHDRAW appearance of Nicki L. Koutsis as counsel for the defts.

June 19 INTERROGATORIES by pltf. to deft. #1.

July 28 ANSWERS by defts. to interrogatories of pltf.

DATE	PROCEEDINGS
1978	
July 28	OBJECTIONS by defts. to interrogatories of pltf.
Aug 11	MOTION by Pltff. to require responsive answers to Pltff's interrogatories; to require defts. to respond to interrogatories objected to by defts; and for leave to file further interrogatories; Memorandum; Exhibit.
Aug 18	MOTION by defts. for enlargement of time to oppose pltff's motion to require responsive answers to pltff's interrogatories; P&A.
Aug 24	ORDER filed Aug. 22, 1978 enlarging time by ten days in which defts. may oppose pltff's motion to require responsive answers to pltff's interrogatories; to require defts. to respond to interrogatories objected to by defts.; and for leave to file further interrogatories. (N) Richey, J.
Sept 05	SUPPLEMENTAL ANSWERS by Deft. #1 to Pltff's Interrogatories.
Sept 05	OPPOSITION by Defts. to Pltff's motion to require responsive answers to Pltff's Interrogatories; to require defts to respond to Interrogatories objected to by Defts; and for leave to file further interrogatories. Exhibit A.
Sept 19	REPLY by pltf. to opposition of defts. to motion of pltf. to require responsive answers to interrogatories of pltfs; to require defts. to respond to interrogatories objected to by defts. and for leave to file further interrogatories.
Nov 14	ORDER filed 11-9-78 granting motion of pltf. to require deft. to provide answer to question IB-1 within 5-days; denying as to questions II-7 through II-14; denying motion of pltf. for leave to file further interrogatories. (N) RICHEY, J.
Nov 14	MOTION of defts. for enlargement of time to comply with Court's order of 11-9-78; P&A's.

DATE	PROCEEDINGS

1978

Nov 21 ORDER filed Nov. 16, 1978 granting defts. motion for enlargement of time; enlarging time to and including 11-22-78 for defts. to comply with the Court's discovery order of 11-9-78. (N) Richey, J.

Nov 22 SUPPLEMENTAL ANSWERS (second) by deft. to interrogatories of pltf.

Dec 12 OPPOSITION of pltf. to motion of defts. to dismiss or, in the alternative, for summary judgment, and motion for interim relief; memorandum; statement of material facts; affidavit of Howard Abramson; attachments 1, 2, & 3.

Dec 22 MOTION by defts. for enlargement of time; P&A's.

1979

Jan 05 MEMORANDUM & Order filed 1-3-79 denying motion of defts. to dismiss and directing pltf. to file a more reasonable description of documents sought in its second request within 10-days of date of this order. (N) RICHEY, J.

Jan 08 ORDER filed 1-5-79 denying motion of defts. for an extension of time to file to opposition of pltf. to motion of deft. to dismiss. (N) RICHEY, J.

Jun 14 STATUS CALL. Further status call set 6-27-79 at 4:00 P.M. (Rep. T. Dourian) Richey, J.

Jul 6 APPEARANCE of Sharon Nelson Abramson as counsel for pltff. CAL/N.

Jul 27 STATUS CALL. Court will approve stipulation re. remaining documents. (Rep. T. Dourian) Richey, J.

Jul 27 DELETION of the names of Theodore Miles and Ricardo Urbina as counsel of record for the pltff. (C. R. blotter)

DATE	PROCEEDINGS

1979

Jul 27 STIPULATION with respect to the remaining documents and requests; directing that motion for summary judgment be filed on any documents remaining in dispute on the first request within 30 days of the 8-3-79 conference and that a response to that motion be filed within 20 days thereafter. APPROVED. (FIAT) (N) Richey, J.

Sept 04 MOTION of defts. for enlargement of time and supporting memorandum.

Sept 06 RENEWED MOTION by defts. for summary judgment; statement; of material facts; P&A's exhibits A thru C; affidavit of Bradley B. Benson; second affidavit of Jerry R. Donahoe; exhibits A thru O to affidavit.

Sept 18 NOTICE of defts. of filing expurgated copies of four document pages at issue; attachment (pages).

Sept 18 MOTION of deft. for extension of time in which to file Federal brief in opposition to pltfs' cross-motion for summary judgment and in reply to pltfs' opposition to defts' motion for summary judgment.

Sept 25 OPPOSITION by pltff. to defts, renewed motion for summary summary judgment and pltff's motion for partial summary judgment, interim relief and in camera relief; memorandum; statement; 2nd affidavit of Howard Abramson w/attachment 1, III & IV-A.

Oct 16 REPLY Memorandum by defts. in further support of defts. motion for summary judgment and in opposition to pltff's motion for partial summary judgment interim relief and in camera relief.

Oct 17 STIPULATION extending time to and including 10-16-79 for deft, to file opposition to pltff's motion for partial summary judgment, interim relief, and *in camera* relief. APPROVED. (signed 10-16-79) (FIAT) Richey, J.

DATE	PROCEEDINGS

1979

Oct 26 REPLY Memorandum by pltff. in further support of pltff's opposition to defts. renewed motion for summary judgment, and pltff's motion for partial summary judgment, interim relief and in camera relief; attachment.

Dec 6 ORDER filed Nov. 30, 1979 granting in part and denying in part defts. motion for summary judgment; granting motion of pltff. for partial summary judgment; denying pltff's motion for interim relief. (N) Richey, J.

Dec 13 NOTICE of Appeal by pltff. from judgment of Nov. 30, 1979; $5.00 filing fee and $65.00 USCA docketing fee paid and credited to the U.S.; copy sent to Daniel J. Metcalfe.

Dec 14 COPY of notice of appeal and docket entries sent to USCA, USCA #79-2500

[EMBLEM]

CONNECTICUT NEWS SERVICE
107 2nd Street, N.E.
Washington, D.C. 20002
(202) 347-3322 (202) 547-9347

June 23, 1976

Mr. Clarence M. Kelley
Director, Federal Bureau of Investigation
Attn: Freedom of Information Act Unit
10th & Pennsylvania Ave., N.W.
Washington, D.C. 20535

Dear Mr. Kelley:

I hereby request the following, under 5 U.S.C. 522 et seq., the Freedom of Information Act:

—Copies of any and all information contained in your agency's files showing or indicating the transmittal of any documents or information from the FBI to the White House, or any White House aides, for the years 1969 and 1970, concerning the following individuals: Lowell P. Weicker Jr.; Thomas J. Meskill; Joseph Duffey; Thomas J. Dodd; Alphonsus J. Donohue; John Lupton; Wallace C. Barnes; and Emilio Q. Daddario.

—Copies of any and all information so transmitted.

—An uncensored copy of the Oct. 6, 1969, letter from J. Edgar Hoover to John D. Ehrlichman by which Mr. Hoover transmits "memoranda" on several individuals to Mr. Ehrlichman.

—A copy of the original request letter from Mr. Ehrlichman to Mr. Hoover for that data.

—Copies of all data so transmitted by the Oct. 6, 1969, letter from Mr. Hoover to Mr. Ehrlichman.

—A copy of the receipt signed by the recipient at the White House of the Oct. 6, 1969, letter.

If you agree to this request in whole or in part, please supply me with the information if the search and copy fees do not exceed a total of $100. If they do, please inform me of the fees in advance.

If any part of this request is denied, please inform me of your appeal procedures. I will consider my request denied if I have no communication from you within 10 working days of receipt of this letter.

Please be put on notice that I consider this information clearly releasable under the Freedom of Information Act and that I consider any refusal to release this information to be arbitrary and capricious as defined in the act.

All of the people mentioned in this request are, or have been, public officials.

Thanking you, I am

Sincerely,

/s/ Howard Abramson
HOWARD ABRAMSON
Bureau Chief

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action Number 77-2206

HOWARD S. ABRAMSON, PLAINTIFF

v.

FEDERAL BUREAU OF INVESTIGATION, ET AL., DEFENDANTS

AFFIDAVIT

I, Jerry R. Donahoe, being duly sworn, hereby depose and say as follows:

I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information—Privacy Acts (FOIPA) Branch, Records Management Division of the FBI, Washington, D.C.

Due to the nature of my official duties, I am familiar with the procedures followed in processing FOIPA requests at FBI Headquarters (FBIHQ) and specifically the processing of documents relating to the plaintiff's request.

* * * * *

II. IDENTIFICATION AND DESCRIPTION OF RECORDS WITHIN THE SCOPE OF PLAINTIFF'S REQUEST

Administrative, applicant, personnel, general and investigative files compiled for law enforcement purposes are maintained in the "FBI Central Records System" of the FBI Records Management Division. This system consists of a numerical sequence of files broken down according to subject matter. The subject matter of a file may relate to an individual, organization, company, publication or foreign intelligence activity. A Central Rec-

ords System enables us to be certain we maintain, in one centralized location, all pertinent information in the possession of the FBI deemed worthy of retention, which has been acquired in the course of fulfilling our investigative responsibilities. Access to this system is afforded by the FBI's General Indices, arranged in alphabetical order, consisting of approximately 60 million index cards on various subject matters, including names of individuals. The index cards fall into two general categories: "main" index cards and "see" (short for "see references" or cross-reference) index cards. A "main" index card bears the name of an individual, organization, activity or the like, which is the main subject of the file contained in the system. A "see" index card bears the name of an individual, organization, activity or the like, which is referred to in, but is not the main subject of, a file maintained in the system. Generally, "see" references contain insufficient background or other information by which a positive identification can be made with a given name. In many instances, receipt of additional identifying information can assist in making a positive identification. Communications originating at FBIHQ and those received from outside the FBI are directed to the Records Management Division at FBIHQ for their entry into the appropriate file of the Central Records System.

The Records Branch of the Records Management Division also uses abstracts to maintain control of and to facilitate retrieval of incoming and outgoing correspondence at FBIHQ. An abstract, as used in this context, is a small card which contains a brief summary of a piece of correspondence including the date of the communication, general subject matter discussed in the communication, the FBIHQ file number to which it applies, and the name of the addressee or correspondent.

The Records Branch utilizes two separate systems of abstracts. One, in which the abstracts are filed numerically by FBIHQ file number, is maintained by the Records

Systems System. The other, maintained by the Records Services Section, has abstracts filed chronologically by date of the communication and alphabetically within each date by the name of the addresses or correspondent.

The abstracts contain only information which is already in the Central Records System, but they provide an additional method of gaining access to individual communications which are located in the Central Records System.

In addition to the systems described above, the FBI has maintained a White House special index at FBIHQ. This index has been used to facilitate security checks on White House appointees, staff members, visitors and guests. The purpose and operation of this index are described in a December 26, 1977, *Report of the Comptroller General of the United States*, entitled "FBI Taking Action to Comply Fully With the Privacy Act." The report explains:

> "When the President is having visitors or guests in or is considering appointments to Government jobs or White House staff the White House security office usually sends their names to the FBI for security checks. If the person has a file, it is reviewed. Any adverse or derogatory information is reported by memorandum to the White House.
>
> "The separate index of persons the White House has an interest in consists of cards with the name, the date the search was made, the type of White House function or position to which appointment was being considered, and the FBI file number, if one exists. Should a search of the general index determine a 'no record,' a card is prepared for the White House special index indicating this. The names of such persons with no record are not included in the general index and thus are not retrievable through the headquarters central records system.
>
> "When the FBI receives a name from the White House, it first searches the special index to see if

the subject was checked previously. If he or she was and the central records system contains information on the subject, the FBI can immediately call for the file. Then it has only to determine whether information has been added to the subject's file since the last request from the White House. If nothing was found in a prior name check performed for the White House, the FBI can limit its search to the time period since the last search."

The FBI does not maintain a separate file system on holders of or candidates for federal elective office. Any information which the FBI has on such individuals is contained in the Central Records System described above.

To locate the information requested by the plaintiff, a search was made of the White House special index, the Central Records System, as well as the system of abstracts maintained by the Records Service Section. As a result of this search, four separate letters from J. Edgar Hoover to John D. Ehrlichman were located, each dated October 6, 1969. The enclosures to these four letters were then located through use of the Central Records System.

* * * * *

/s/ Jerry R. Donahoe
JERRY R. DONAHOE
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Subscribed and Sworn to before me this 2nd day of May, 1978.

/s/ Mary B. Kircher
Notary Public

My commission expires 9/14/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 77-2206

HOWARD S. ABRAMSON, PLAINTIFF

v.

FEDERAL BUREAU OF INVESTIGATION, *et al.*, DEFENDANTS

SECOND AFFIDAVIT OF JERRY R. DONAHOE

I, Jerry R. Donahoe, being duly sworn, hereby make the following statements based upon information obtained by me personally during the course of my official duties.

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, FBI, Washington, D. C. I am personally familiar with the documents at issue in the instant Freedom of Information Act (FOIA) lawsuit.

(2) This affidavit supplements and consolidates in one document all that has transpired regarding the handling of plaintiff's FOIA request for the documents at issue herein. The Court's attention is respectfully directed to this affidavit to facilitate the Court's review of the FOIA's exemptions as they have been applied to withhold certain portions of the requested documents. A page-by-page itemization of the requested documents, as well as individual explanatory justifications for the withholding of material from the documents as processed, are also included for the Court's review.

(3) Hereinafter is set forth in chronological order the sequence of the correspondence between plaintiff and the FBI pertinent to the processing of plaintiff's FOIA request.

(4) By letter dated June 23, 1976, to former FBI Director Clarence M. Kelley, plaintiff requested, pursuant to the FOIA, copies of specific communications between the White House and the FBI regarding various individuals listed by plaintiff. (A true copy of this letter is attached hereto and made a part hereof as Exhibit A.)

(5) By letter dated July 23, 1976, former Director Kelley acknowledged receipt of plaintiff's June 23, 1976, FOIA request, but indicated that notarized authorizations from the listed individuals would be required before information regarding the individuals could be released to plaintiff. (A true copy of this letter is attached hereto and made a part hereof as Exhibit B.)

(6) By letter dated August 3, 1976, plaintiff requested, pursuant to the FOIA, records pertaining to White House requests for FBI information about any person who was a candidate for or holder of Federal elective office during any year 1969-1974. (A true copy of this letter is attached hereto and made a part hereof as Exhibit C.)

(7) By letter dated August 20, 1976, former Director Kelley advised plaintiff that the FBI was unable to comply with his request of August 3, 1976, since the records sought were not reasonably described. (A true copy of this letter is attached hereto and made a part hereof as Exhibit D.)

(8) By letter dated September 13, 1976, to Attorney General Edward H. Levi, plaintiff appealed the denial of his August 3, 1976, FOIA request. (A true copy of this letter is attached hereto and made a part hereof as Exhibit E.)

(9) By letter dated September 14, 1976, to Attorney General Edward H. Levi, plaintiff appealed the denial of his June 23, 1976, FOIA request. (A true copy of this letter is attached hereto and made a part hereof as Exhibit F.)

(10) By an undated responding letter, Quinlan J. Shea, Jr., Chief, Freedom of Information and Privacy

Unit, Department of Justice, advised the plaintiff that his administrative appeals would be considered as soon as possible after a necessary administrative delay and that the plaintiff had the right of judicial review. (A true copy of this letter is attached hereto and made a part hereof as Exhibit G.)

(11) By an undated subsequent letter, Rudolph W. Giuliani, Acting Deputy Attorney General, advised the plaintiff that his administrative appeal of his August 3, 1976, request was denied. (A true copy of this letter is attached hereto and made a part hereof as Exhibit H).

(12) By letter dated February 6, 1978, two document pages were referred to Ms. Margaret McKenna, Legal Counsel, White House, Washington, D.C., for processing and release to plaintiff. (A true copy of this letter is attached hereto and made a part hereof as Exhibit I.)

(13) By letter dated March 8, 1978, Allen H. McCreight, Chief, FOIPA Branch, Records Management Division, furnished the plaintiff with 84 pages of documents. (A true copy of this letter is attached hereto and made a part hereof as Exhibit J.)

(14) By letter dated April 3, 1978, Allen H. McCreight furnished the plaintiff with documents which earlier had been referred to two other Government agencies for a determination as to their releasability. (A true copy of this letter is attached hereto and made a part hereof as Exhibit K.)

(15) By letter dated April 17, 1978, Allen H. McCreight advised the plaintiff that the FBI was unable to locate any record to indicate that any documents or information regarding Thomas J. Dodd were transmitted from the FBI to the White House during the years 1969 and 1970. (A true copy of this letter is attached hereto and made a part hereof as Exhibit L.)

(16) By letter dated August 31, 1979, David G. Flanders, Chief, FOIPA Branch, Records Management Division, advised that after further review of the documents, as a matter of administrative discretion, plaintiff was being provided with a release of information on six

document pages which had been previously deleted. (A true copy of this letter is attached hereto and made a part hereof as Exhibit M.)

(17) As regards the FBI file system and the processing of plaintiff's FOIA request, the following description may be of assistance: FBI files are maintained in the FBI Central Records System. A notice describing this system is published at 42 Federal Register 190 (September 30, 1977). The FBI Central Records System consists of one numerical sequence of files broken down according to subject matter. The subject matter of a file may relate to an individual, organization, company, publication or foreign intelligence activity. Access to this system is afforded by the FBI's General Indices arranged in alphabetical order, consisting of approximately 60 million index cards on various subject matters, including names of individuals. The index cards fall into two general categories: "main" index cards and "see" (short for "see references" or "cross references") index cards. A "main" card carries the name of an individual, organization, activity or the like, which is the main subject of a file contained in the system. A "see" card bears the name of an individual, organization, activity or the like, which is referred to or indexed in, but is not the main subject of, a file maintained in the system. Generally, "see" references contain insufficient information by which a positive identification can be made with a given name. In many instances, receipt of additional information can assist in making positive identification or in locating the file in which the requested information is maintained. Furthermore, it should be noted that the FBI indexes neither all names of individuals contacted nor all information received during an investigation. Only those names and that information which is considered pertinent, relevant and necessary for future retrieval are indexed.

(18) An exhaustive and completely thorough search was undertaken in response to plaintiff's request and the following documents were located in FBI files:

A. An October 6, 1969, letter from J. Edgar Hoover to John D. Ehrlichman, marked with file number 62-5-34727, with enclosures, regarding FBI name checks on William J. Harris, J. Keith Mann, Dr. Karl Augustus Menninger, Howard Pyle and Wilbur Hughes Strickland, M.D. Also accompanying the document is a list of names reflecting the name check request from the White House. (Referred to as Document Number 1 in Exhibit N.)

B. An October 6, 1969, letter from J. Edgar Hoover to John D. Ehrlichman, marked with file number 62-5-34728, with an enclosure relating to an FBI name check on Archie Floyd Weaver. Also accompanying the document is a letter dated October 2, 1969, reflecting the name check request from the White House. (Referred to as Document Number 2 in Exhibit N.)

C. An October 6, 1969, letter from J. Edgar Hoover to John D. Ehrlichman, marked with file number 65-5-34736, with enclosures relating to FBI name checks on Cesar Estrada Chavez, Joseph Duffey, Maurice Eisendrath, John Kenneth Galbraith, Richard N. Goodwin, Fannie Lou Hamer, Dr. Reinhold Niebuhr, Paul Schrade, Adam Walinsky and Dr. George Wiley. Also among the enclosures is a copy of an article written by John Kenneth Galbraith, a Vietnam Moritorium Committee Flyer, and a typed list containing the names of certain individuals whose names appeared on the flyer. (Referred to as Document Number 3 in Exhibit N.)

D. An October 6, 1969, letter from J. Edgar Hoover to John D. Ehrlichman, marked with file number 62-5-34747, with enclosures relating to FBI name checks on George W. Barton and C. Monroe Shigley. Also accompanying the document is a letter dated October 3, 1969, reflecting the name check request from the White House. (Referred to as Document Number 4 in Exhibit N.)

(A copy of the portions of these documents released is attached hereto and made a part hereof as Exhibit N.)

(19) No documents responsive to plaintiff's request regarding Lowell P. Weicker, Jr., Thomas J. Meskill, Thomas J. Dodd, Alphonsus J. Donohue, John Lupton, Wallace C. Barnes or Emilio Q. Daddario have been located; nor has any signed receipt by the recipient at the White House of the October 6, 1969, letters been located. In addition, written request letters from Mr. Ehrlichman to Mr. Hoover for the data contained in the October 6, 1969, letters were located with respect to only two of the four documents (Documents Number 2 and 4, above).

(20) I have reviewed all of the records described above and have determined that the withheld information contained therein is of the type regularly obtained and maintained by the FBI as part of its investigatory function.

(21) Further, these records reflect in each case that the information was compiled by the FBI in response to a name check request from the White House. Such name check requests are common, and in fact, FBI Headquarters handles thousands of requests for information such as these each day. The requests are received from other Federal agencies as well as from the White House. Those requests from the White House are handled on an expeditious basis with the results often being provided to the White House within twenty-four hours.

* * * * *

(25) From my review of all the records described above, I have thus determined that these records are investigatory records compiled by the FBI for law enforcement purposes within the meaning of 5 USC, Section 552(b)(7).

(26) Moreover, in response to plaintiff's interrogatories, I took the further step of determining the exact origin of each segment of information being withheld from plaintiff in these records pursuant to this law enforcement exemption. In my Second Supplemental Answers to Plaintiff's Interrogatories, sworn to by me on November 22, 1978, I advised that, with the exception

of two specified groups of segments, I had determined that all such withheld information had been originally obtained by the FBI either "in an inquiry regarding an individual being considered for appointment to office," or "to determine if there had been a violation of Federal criminal law and/or to obtain information leading to the arrest and conviction of any person or persons committing any such violation."

(27) With regard to the two groups of segments which I had at that time placed into the "for some other purpose" category, all such material withheld on pages five and forty-seven of Document 3 consists of entirely new administrative notations reflecting upon the characters of the named individuals and thus does not contain information obtained at an earlier time. The release of this information would constitute an unwarranted invasion of personal privacy.

(28) In my Second Supplemental Answers to Plaintiff's Interrogatories, I also placed in the "for some other purpose" category the fourth and fifth deletions on the twenty-fifth page, and all deletions on the twenty-sixth page, of Document 3. I did so because my research at that time did not reveal the exact origin of this information (the withheld portion of which, incidentally, contains no more than an individual's name, as repeated, and his address). Upon an even more exhaustive research of this matter, I still have not been able to determine the exact origin of this information.

(29) All excisions from these documents have been made pursuant to the FOIA, Title 5, USC, Sections 552 (b) (1), (b) (7) (C) and (b) (1) (D). * * *

* * * * *

(30) The following is an itemization of all document pages processed in response to plaintiff's request and an explanation in each instance of the basis for each excision:

* * * * *

C. Document No. 3 is a one-page letter dated October 6, 1969 from the FBI to John D. Ehrlichman, Counsel to the President, which responds to his request for a name check on eleven named individuals. Enclosed with the document are sixty-three pages of name check summary memoranda and attachments pertaining to ten of the eleven named individuals (bringing the total number of pages in Document No. 3 to sixty-four).

The first page of the document has been disclosed without excision.

The second page of the document has been disclosed without excision.

On the third page of the document, five segments of information consisting of or reflecting personal information concerning the activities of the named individual have been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C). Additionally, each of these segments has been excised also pursuant to 5 U.S.C. § 552 (b)(7)(D) to protect the confidential source relationships between the FBI and four law enforcement agencies named in the segments.

The fourth page of the document has been disclosed without excision.

On the fifth page of the document, an administrative notation pertaining entirely to a matter reflecting upon the character of the named individual, including a personal identifier, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C).

On the sixth page of the document, a segment of highly personal information concerning the alleged activities and character of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b)(7)(C). Additionally, this segment has been excised also pursuant to 5 U.S.C. § 552(b)(7)(D) to protect the identity of a confidential source.

The seventh page of the document has been disclosed without excision.

On the eighth page of the document, a segment of highly personal information concerning the alleged activities and character of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C). Additionally, this segment has been excised also pursuant to 5 U.S.C. § 552(b) (7) (D) to protect the identity of a confidential source.

Page nine of the document has been disclosed without excision.

Page ten of the document has been disclosed without excision.

Page eleven of the document has been disclosed without excision.

On page twelve of the document, the first segment of information, consisting of the name of an individual and an identifying description, has been excised to protect that individual, as well as the named individual, from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C). The second segment of information, consisting entirely of personal information reflecting upon the character of the named individual, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

Page thirteen of the document has been disclosed without excision.

On page fourteen of the document, the first segment of information, consisting of the name of an individual and an identifying description, has been excised to protect that individual, as well as the named individual, from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C). The remaining five segments on the page, consisting of the names or portions of the names of two individuals, have been excised to protect those individuals from an unwarranted in-

vasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C). Additionally, these latter segments have been excised also pursuant to 5 U.S.C. § 552(b) (7) (D) to protect the identities of these individuals as confidential sources.

On page fifteen of the document, the names of two individuals, repeated in one instance, have been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C) and also to protect the identities of those individuals as confidential sources pursuant to 5 U.S.C. § 552(b) (7) (D).

On page sixteen of the document, the names of two individuals, repeated in one instance, and including an employment title in a second instance, have been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C) and also to protect the identities of those individuals as confidential sources pursuant to 5 U.S.C. § 552(b) (7) (D).

On page seventeen of the document, the names of three individuals, repeated in two instances, have been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C) and also to protect the identities of those individuals as confidential sources pursuant to 5 U.S.C. § 552(b) (7) (D).

On page eighteen of the document, the name of an individual, repeated in one instance, and including an employment title and address in the first instance, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C) and also to protect the identity of that individual as a confidential source pursuant to 5 U.S.C. § 552(b) (7) (D). Additionally, both the second segment, as well as the concluding five words of the first segment, have been excised pursuant to 5 U.S.C. § 552(b) (7) (D)

because any disclosure of that information, within context, would lead to the identification of that confidential source.

On page nineteen of the document, the name of an individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C) and also to protect the identity of that individual as a confidential source pursuant to 5 U.S.C. § 552(b)(7)(D). The other segments containing personal information reflecting upon the alleged activities and character of another individual, whose name is also withheld, have been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C). Additionally, these segments have been excised also pursuant to 5 U.S.C. § 552(b)(7)(D) to protect the identity of a confidential source.

On page twenty of the document, two segments of information at the top of the page consisting entirely of information provided by two confidential sources, as well as reflecting upon the alleged character of the named individual, have been excised to protect the named individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C) and also to protect the identities of the two confidential sources pursuant to 5 U.S.C. § 552(b)(7)(D). The third segment, consisting of the names of two individuals and their common address, has been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C) and also to protect those individuals as confidential sources pursuant to 5 U.S.C. § 552(b)(7)(D). At the bottom of the page, the name of an individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C).

Page twenty-one of the document has been released without excision.

Page twenty-two of the document has been released without excision.

Pages twenty-two-a, twenty-two-b, in their entireties as well as almost all of page twenty-three of the document, consisting entirely of information provided by several distinct confidential sources reflecting upon the alleged character of the named individual or, for the most part, upon the alleged activities and character of a second individual whose name is also withheld, have been excised to protect both individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C) and also to protect the identities of the confidential sources pursuant to 5 U.S.C. § 552(b) (7) (D).

On page twenty-four of the document, an address of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

On page twenty-five of the document, the names of two individuals, repeated in three instances, and in two instances including addresses, have been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C) and also to protect the identities of those individuals as confidential sources pursuant to 5 U.S.C. § 552(b) (7) (D).

On page twenty-six of the document, the name of an individual has been excised in six instances to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C) and also to protect the identity of that individual as a confidential source pursuant to 5 U.S.C. § 552(b) (7) (D).

Page twenty-seven of the document has been disclosed without excision.

Page twenty-eight of the document has been disclosed without excision.

Page twenty-nine of the document has been disclosed without excision.

On page thirty of the document, an address of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

On page thirty-one of the document, the names of three individuals have been excised to protect those individuals from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C) and also to protect the identities of those individuals as confidenial sources pursuant to 5 U.S.C. § 552(b) (7) (D).

Page thirty-two of the document has been disclosed without excision.

On page thirty-three of the document, an address of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

On page thirty-four of the document, the first two segments of information have been excised pursuant to 5 U.S.C. § 552(b) (7) (D) to protect the confidential source relationships between the FBI and the two law enforcement agencies named in the segments. The third segment of information, consisting of an address of the named individual, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

Page thirty-five of the document has been disclosed without excision.

On page thirty-six of the document, an address of the named individual has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

Page thirty-seven of the document has been disclosed without excision.

Page thirty-eight of the document has been disclosed without excision.

Page thirty-nine of the document has been disclosed without excision.

On page forty of the document, two segments of information have been excised pursuant to 5 U.S.C. § 552 (b) (7) (D) to protect the confidential source relationships between the FBI and two law enforcement agencies named in the segments.

Page forty-one of the document has been disclosed without excision.

Page forty-two of the document has been disclosed without excision.

On pages forty-three and forty-four of the documents, six paragraphs of information have been excised pursuant to 5 U.S.C. § 552(b) (1) because they are currently classified in accordance with Executive Order 12065, at the level "Secret," as described and attested to in the affidavit of FBI Special Agent Bradley B. Benson, submitted herewith.

Page forty-five of the document has been disclosed without excision.

Page forty-six of the document has been disclosed without excision.

On page forty-seven of the document, an administrative notation pertaining entirely to a matter reflecting upon the character of the named individual, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 (b) (7) (C).

On page forty-eight of the document, the first segment of information, consisting entirely of personal information reflecting upon the character of the named individual, has been excised to protect that individual from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C). The second segment of information, consisting entirely of highly personal information pertaining to a relative of the named individual, has been excised to protect that individual as well as the named individual, from an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b) (7) (C).

On page forty-nine and fifty of the document, a total of two paragraphs of information have been excised pursuant to 5 U.S.C. § 552(b)(1) because they are currently classified in accordance with Executive Order 12065, at the level "Secret," as described and attested to in the affidavit of FBI Special Agent Bradley B. Benson, submitted herewith.

Page fifty-one of the document has been disclosed without excision.

Page fifty-two of the document has been disclosed without excision.

Page fifty-three of the document has been disclosed without excision.

Page fifty-four of the document has been disclosed without excision.

Page fifty-five of the document has been disclosed without excision.

Page fifty-six of the document has been disclosed without excision.

Page fifty-seven of the document has been disclosed without excision.

Page fifty-eight of the document has been disclosed without excision.

Page fifty-nine of the document has been disclosed without excision.

Page sixty of the document has been disclosed without excision.

Page sixty-one of the document has been disclosed without excision.

Page sixty-two of the document has been disclosed without excision.

* * * * *

/s/ Jerry R. Donahoe
JERRY R. DONAHOE
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Subscribed and Sworn to before me this 6th day of September, 1979.

/s/ Lee Ann Doleslagle
Notary Public

My commission expires April 30, 1984

DOCUMENT No. 3

October 6, 1969
BY LIAISON

Honorable John D. Ehrlichman
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Ehrlichman:

Reference is made to your name check request concerning Cesar Estrada Chavez and some other individuals.

Attached are separate memoranda concerning the following individuals:

Cesar Estrada Chavez
Joseph Duffey
Maurice Eisendrath
John Kenneth Galbraith
Richard N. Goodwin
Fannie Lou Hamer
Dr. Reinhold Niebuhr
Paul Schrade
Dr. Benjamin M. Spock
Adam Walinsky
Dr. George Wiley

This letter of transmittal may be declassified when it is removed from the enclosures bearing a classification.

Sincerely yours,

J. EDGAR HOOVER

~~CONFIDENTIAL~~

October 6, 1969

JOSEPH DUFFEY Summary

Joseph Duffey has not been the subject of an investigation conducted by the FBI.

The central files of this Bureau disclose one Joseph Duffey, also spelled Duffy, of the Hartford Seminary Foundation has been active in Vietnam protest matters in the past. Among the groups with which he has been associated are "Inter-University Committee for a Public Hearing on Vietnam," "Negotiation Now," and "Hartford Committee for Peace in Vietnam." This same individual was reliably reported [redacted]

It is not known if the above information pertains to the subject of this name check request.

The fingerprint files of the Identification Division of the FBI contain no arrest data identifiable with captioned individual based upon background information submitted in connection with this name check request.

NOTE: Per request of John D. Ehrlichman, Counsel to the President. Memorandum classified Confidential as it contains information extracted from other communications bearing that classification.

DECLASSIFIED BY 6616
ON 2-6-78
JEB/ROB

HRH:rog
(7)

MAIL ROOM ☐ TELETYPE UNIT ☐

~~CONFIDENTIAL~~

October 6, 1969

JOHN KENNETH GALBRAITH Summary

Mr. John Kenneth Galbraith, who was born on October 15, 1908, at Iona Station, Ontario, Canada, and who became a naturalized citizen of the United States on September 13, 1937, was the subject of investigations conducted by the FBI in 1941, 1950, 1961 and 1965. The results of these investigations were furnished the White House by communications dated March 6, 1961, January 19, 1965, and February 4, 1965, copies of which are attached.

The fingerprint files of the Identification Division of the FBI contain no arrest data identifiable with captioned individual based upon background information submitted in connection with this name check request.

Enclosures (3)

NOTE: Per request of John D. Ehrlichman, Counsel to the President.

JMM:paa
(7)

DEC 89

161-302-95

9

The New York Times, Sunday, September 28, 1969

On Oct. 15th, students and faculty all over America will leave their classes for 1 day to ring doorbells and talk to their fellow Americans about the madness of Vietnam.

WE SUPPORT OCT. 15

SEN. CHARLES E. GOODELL

"Once again the students of this nation will go door to door to call for peace in Vietnam.
Their constructive expression of indignation over this senseless war is truly a high form of patriotism."

SEN. MARK O. HATFIELD

"The type of nonviolent action which the Moratorium asserts is not only highly commendable but also sorely needed."

SEN. EUGENE J. McCARTHY

"The Vietnam Moratorium is the most significant demonstration of opposition to the war in Vietnam since the primary results of 1968. It is the only way that the people of the country can demonstrate a second judgment on the war in Vietnam to those who hold political power

DR. JOHN KENNETH GALBRAITH

"Everyone who has been lecturing students on the wickedness of violence should welcome this opportunity to reassert peacefully their opposition to the continued pressure from the military leadership."

RICHARD N. GOODWIN

"This Moratorium is an unusual opportunity for those of us who believe that public policy can be made to yield to citizen action without violence or coercion. It opposes the superior moral force of peace to the alluring insanity of war."

FANNIE LOU HAMER

"With the kind of pain we are undergoing here in Mississippi, to have black and white men dying in Vietnam is a shame and disgrace. It is essential that we support the Moratorium."

* * * * *

DR. REINHOLD NIEBUHR

"Let us all support the students who are trying to stop, by their Moratorium, this disastrous, costly and pointless war."

PAUL SCHRADE

United Auto Workers, Western Director
"On October 15th, the American people will have a chance to make President Nixon stop the killing and end this immoral war."

BENJAMIN SPOCK, M.D.

"Only public pressure for immediate withdrawal will persuade Nixon to end the war. The Vietnam Moratorium will help build that pressure."

ADAM WALINSKY

"By the awful grace of God, we are the survivors. Others have given their lives for us—in Vietnam, and here in America. On October 15th, we begin to pay our debts."

GEORGE WILEY

Executive Director, National
Welfare Rights Organization
"Ours is a government that has imposed immense suffering on poor people in Vietnam and poor people in this country. On October 15th, we must demonstrate, dramatically and directly, our outrage against these policies and our commitment to change the nation's priorities."

SEN. GEORGE McGOVERN

"I would hope that the Moratorium observance will make clear to the Administration that in the continuance of this senseless bloodshed lies the seed of national tragedy. It is an effort which merits the responsible participation of all Americans who are anxious to reverse a policy of military attrition and moral disaster."

CESAR CHAVEZ

"There is no chance of achieving full participation for all of our citizens in our own system here in America so long as our government is preoccupied with interfering in the affairs and aspirations of other poor people around the world. I therefore hope that all Americans will join in and support the activities of the Vietnam Moratorium Committee."

JOSEPH DUFFEY

Chairman, Americans for Democratic Action
"The moral, physical and economic health of America depends upon an end to the war this year, not next year or the year after. A.D.A. urges its members and local chapters to give full support to the Vietnam Moratorium."

RABBI MAURICE EISENDRATH

"To save one life is to save the world, but to stand idly by the blood of one brother [sic] is to destroy the world."

This is where you come in. We ask your support. We ask you to put aside "business as usual" on Oct. 15, and devote the day to organize your co-workers and neighbors to work actively for an early withdrawal of all our troops from Vietnam.

Vietnam Moratorium Committee
1029 Vermont Avenue, N.W.
Washington, D.C. 20005 Tel: 202-347-4757

☐ I know you need money.

Enclosed is my contribution of:

☐ $100 ☐ $50 ☐ $25 ☐ $10 ☐ $5 $——

☐ Please send me —— literature kits for the Vietnam

• • •

Name ——————————————————

Address ——————————————————

City ——————— State ——————— Zip ———

Make checks payable to:

Vietnam Moratorium Committee

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HOWARD S. ABRAMSON, PLAINTIFF

v.

FEDERAL BUREAU OF INVESTIGATION, ET AL., DEFENDANTS

2nd AFFIDAVIT OF HOWARD ABRAMSON

My name is Howard Abramson and I am the plaintiff in this matter. I am, and have been for most of my adult life, a professional journalist and writer. I present this affidavit as my FOIA request nears the age of 40 months. This affidavit is in addition to an earlier affidavit of mine, which is appended as Attachment 1.

2) Until this litigation was begun by me, and at my personal expense, defendants refused to provide me with any documents at all under the FOIA. Now that some documents have been obtained by me, by arrangement between the parties and as ordered by this Court, I have been able to more precisely determine which documents fall within my request. And I have been able, after review of the provided material, to better determine which documents I believe withstand the test of the public's right to know, versus the privacy considerations of the targeted individuals.

3) After defendants provided the 84 pages of documents, I immediately began, with the assistance of counsel, to pare the list of documents to be pursued. I determined that I would not press defendants to provide all the documents and am pressing only my rights to material deleted from Document 3.

4) I publicly stated that I would not pursue 7(D) material, as included footnote 1 of plaintiff's opposition to defendants' last motion to dismiss. Thus, defendants

continued and time-consuming arguments in opposition to my right to obtain 7(D) material is a bit baffling to me.

5) The issues in the pending request are simple. There were four batches of "name check requests" sent on that one day in October, 1969, from the FBI to the White House, according to the FBI. We have narrowed our pursuit to Document 3, the FBI memos concerning 11 prominent Americans. Of those 11 individuals, we are now seeking the deleted information within those documents on nine of them, ranging in length from one sentence, to one completely missing memorandum. In most cases, the deleted material in question runs no longer than a few paragraphs.

6) Thus we are seeking the court's review of our demands for information deleted on parts of four pages by defendants under (b)(1) claimed exemptions, and parts of approximately 12 pages under 7(C).

7) In one instance, however, (that involving Dr. Benjamin M. Spock) the FBI has failed to produce any information even though the transmittal letter from Hoover to Ehrlichman (Pg. 1 of Document 3) clearly states that "separate memoranda concerning the following individuals," including Dr. Spock, were attached. Defendants have also failed to produce two full pages within the material transmitted from the FBI to the White House on John Kenneth Galbraith.

8) Defendants have failed to produce any form of communication from the White House requesting such "name check requests" from defendant FBI in two of the four cases, including Document 3, as stated in the second Donohue affidavit.

9) The "name check requests" still under contention at this point do not concern 11 Jane and John Does. To the contrary, this White House "name check request" concerns truly prominent Americans. The 11 persons in question are:

—Cesar Estrada Chavez: The most prominent farm workers union organizer in America who, at the time of the request, was leading the nationwide boycott of table grapes. Chavez was a frequent topic of network television broadcasts and newspapers and magazine articles at the time.

—Joseph D. Duffey: Currently the executive director of the National Commission on the Humanities, he has also served the Carter Administration as an assistant secretary of State and was, at the time of the request, a candidate for the Democratic party's nomination for a U.S. Senate seat from Connecticut.

—Maurice N. Eisendrath: A New York City rabbi who was, at the time, president of the Union of American Hebrew Congregations, an organization of 700 Reform Jewish congregations, a loud social critic and frequent protestor of the war in Vietnam under Presidents Johnson and Nixon.

—John K. Galbraith: The most prominent American economist then and now, author of myriad books and magazine articles, frequent federal employe, Harvard professor, former U.S. Ambassador to India, and consultant to the Kennedy White House.

—Richard N. Goodwin: Former clerk to Supreme Court Justice Felix Frankfurter who held various positions in the Kennedy White House, including assistant special counsel to the President, and who was special assistant to President Johnson.

—Fannie Lou Hamer: A leading black activist during the 1960s, who became the leading spokesman in the deep South, even though she was 45 years old before entering the civil rights arena. She delivered a landmark speech at the 1964 Democratic National Convention in a battle over the seating of rival convention delegates from her

state of Mississippi. Mrs. Hamer died in March, 1977, at the age of 60.

—Dr. Reinhold Niebuhr: A longtime political and socialist political activist. At the time of the White House request, Dr. Niebuhr was 77, and clearly in failing health. In 1968 he resigned a high position with the New York State Liberal Party because of failing health.

—Paul Schrade: Prominent liberal Democrat, former co-chairman of the New Democratic Coalition, he was a high-ranking official of Sen. Robert Kennedy's bid for the presidency in 1968 and was shot in the head during the assassination of Sen. Kennedy. At the time of the request, he was a regional director for the United Auto Workers.

—Dr. Benjamin Spock: America's most noted child psychologist, author of best-selling childrens' books, and frequent social and political critic.

—Adam Walinsky: Former aide to Sen. Robert Kennedy, a New York lawyer who sought the 1970 Democratic party nomination for attorney general of New York State. By the time of the name check request, he was being widely mentioned in the media as a candidate.

—Dr. George Wiley: A Ph.d in chemistry and former professor at Syracuse University, Dr. Wiley later became one of the principals of the Congress of Racial Equality (CORE) and later founded an organization of welfare recipients. He died in a boating accident in 1973.

10) At least some of the 11 individuals were surely known to Ehrlichman and others at the White House. The 11 individuals certainly represented no physical threat to the President or other heads of state.

11) I would like to again assure the Court that my objective is not to publish embarrassing personal details about the lives of certain individuals: nor is it to harrass defendants.

12) I believe that my true objective—the public dissemination of any illegal and or unethical activities on the part of the government, for the benefit of the future more than the history of the past—are totally consistent with the avowed goals of the FOIA. And I again respectfully ask this Court to assist me in carrying out my chosen purpose.

13) I have read the contents of this affidavit and swear that they are true to the best of my knowledge.

/s/ Howard Abramson
HOWARD ABRAMSON

Sworn and Subscribed to before me this 25th day of September, 1979.

/s/ GILBERT C. VINCENT, D.P.
Notary Public

My commission expires: 4/30/81

SUPREME COURT OF THE UNITED STATES

No. 80-1735

FEDERAL BUREAU OF INVESTIGATION, ET AL., PETITIONERS

v.

HOWARD S. ABRAMSON

ORDER ALLOWING CERTIORARI
Filed June 15, 1981

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. Justice Powell took no part in the consideration or decision of this petition.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1981 380788 844